

November 29, 2012

Via Electronic Filing

Marlene H. Dortch, Secretary  
Federal Communications Commission  
Office of the Secretary  
445 12<sup>th</sup> Street, S.W.  
Washington, D.C. 20554

Re: Public Notice Seeking Additional Comment on Structure and Practices of the Video Relay Service (VRS) Program and Proposed VRS Compensation Rates, CG Docket Nos. 03-123 and 10-51

Dear Ms. Dortch:

The Video Relay Services Consumer Association (“VRSCA”)<sup>1</sup> would like to reply to the comments filed by the Consumer Groups<sup>2</sup> on November 14, 2012, in response to the Public Notice by the Federal Communications Commission’s (“FCC” or “Commission”) Consumer and Governmental Affairs Bureau seeking additional comment on proposed improvements to the structure and practices of the Video Relay Service (“VRS”) program and proposed VRS compensation rates, CG Docket Nos. 03-123 and 10-51, DA 12-1644 (rel. October 15, 2012).

The VRSCA is filing these reply comments in support of certain portions of the comments filed by the Consumer Groups, and agrees that we have not yet achieved full functional equivalency, as mandated by the Americans with Disabilities Act, Section 225 of the Communications Act. The current implementation of VRS has, however, made great strides toward that goal.

<sup>1</sup> The VRSCA is an informational forum for deaf, hard-of-hearing, deaf-blind, speech disabled, and hearing individuals who use American Sign Language (ASL). The VRSCA provides an objective environment for individuals to be educated and informed about issues that relate to VRS. Consumers can get information about these issues on the VRSCA website, [www.vrsca.org](http://www.vrsca.org), at deaf expositions, and at town hall meetings throughout the United States. All VRS users may participate in the organization at no cost and may voluntarily provide contact information to the VRSCA with the understanding that they will receive email updates from the VRSCA. See also Comments of VRSCA filed April 26, 2011, May 23, 2011, March 9, 2012, and March 30, 2012 in CG Docket Nos. 03-123 and 10-51.

<sup>2</sup> The comments were filed by the following organizations: Telecommunications for the Deaf and Hard of Hearing, Inc., Association of Late-Deafened Adults, Inc., National Association of the Deaf, Deaf and Hard of Hearing Consumer Advocacy Network, California Coalition of Agencies Serving the Deaf and Hard of Hearing, National Black Deaf Advocates, Inc., Cerebral Palsy and Deaf Organization, Alexander Graham Bell Association for the Deaf and Hard of Hearing, and American Society for Deaf Children (collectively, the “Consumer Groups”).

Based upon responses to our VRSCA survey conducted earlier this year and communications received at multiple town hall meetings, we have prepared these reply comments which reflect the opinions of many deaf, hard-of-hearing, deaf-blind, and speech disabled individuals who use ASL as their primary language and communicate via VRS. The VRSCA wishes to address specific points raised in the Public Notice concerning VRS access technology, the proposed Internet-based telecommunications relay service ("iTRS") database operations, and the VRS rate proposals.<sup>3</sup>

## I. VRS Access Technology.

The Commission, in its consideration of standards for VRS access technology, seeks comment on proposals submitted by CSDVRS, LLC, and seeks particular comment on related questions. One of the important questions asked in the Public Notice is whether the Commission should mandate use of a single application or allow multiple interoperable applications.

The VRSCA strongly agrees with the position of the Consumer Groups that there should not be a single standard, software based VRS access technology ("application"), and that there should be multiple VRS providers offering multiple applications that are all interoperable and portable. The Consumer Groups recommend that the FCC adopt a VRS "reference platform" or standard to serve as a basis for interoperability testing of multiple VRS applications, together with third-party testing to ensure that video relay services are compatible with the reference platform and interoperable. According to the Consumer Groups, each VRS provider could adopt this standard, build and expand on this standard for that VRS provider's service, and use this standard as a baseline for testing to ensure that its own applications are interoperable. The VRSCA believes that the Commission must establish minimum standards for interoperable applications and testing, and that consumers must have the ability to choose from multiple, qualified VRS providers and their products or applications. After establishing minimum standards, all video phones will be compatible and everyone will be able to call anyone, including 911, regardless of the video phone equipment being used. The VRSCA also wants to make it clear that providers should be encouraged to innovate beyond the standard to continue the quest to provide a more functionally equivalent offering of VRS.

Another question raised in the Public Notice is whether users should be responsible for procuring their own off-the-shelf equipment, or whether providers should be involved in the distribution of end user equipment. The answer to this question is very important for several reasons, all of which are related to competition and choice.

Multiple providers in a competitive market will encourage continuous innovation to meet the functional equivalent communication needs of the various deaf, hard-of-hearing, deaf-blind, and speech disabled consumers, and as a result, consumers benefit. The

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<sup>3</sup> The VRSCA will not be addressing all of the questions and issues in the Public Notice.

Consumer Groups believe, and the VRSCA agrees, that the equipment and software which is developed and distributed by VRS providers leads to functionally equivalent telecommunications services. The VRSCA also agrees that, in addition to consumers having access to equipment and software distributed by VRS providers, it is important for consumers to have access to off-the-shelf equipment at their choosing. The off-the-shelf equipment must be interoperable as well, meeting the same reference platform or standard. This would also allow hearing relatives, friends, co-workers, and others who use ASL the ability to purchase equipment and place direct point-to-point video calls without the need to utilize VRS. The result would be telecommunications services that improve functional equivalency, decrease the number of relay calls, and reduce the costs of the TRS Fund.

Many deaf, hard-of-hearing, deaf-blind, and speech disabled individuals who are on fixed incomes, including senior citizens, may not have the financial ability or technical know-how to purchase off-the-shelf equipment and may not know how to maintain such equipment. It is important to have stand-alone video phone equipment still available for those who do not have or cannot afford a computer. Allowing VRS providers to continue to distribute equipment and software, proprietary and off-the-shelf, and continue to offer technical support, helps provide VRS consumers access that they may not otherwise have.

VRS providers offer equipment with special features that may not be available with off-the-shelf equipment. The FCC should establish minimum technical standards for the equipment developed and distributed by VRS providers that meet the FCC's interoperability and portability goals. If a consumer ports their number to a new default VRS provider and uses that equipment with the new provider, the equipment must retain its minimum features, such as the ability to place point-to-point calls to other individuals, and the ability to transfer contact lists that the customer creates. The VRSCA does not expect that every feature will continue to work after porting occurs because proprietary technology that is owned by a VRS provider should remain with that VRS provider otherwise the incentive to innovate would be diminished.

By adopting an approach that allows multiple VRS providers to offer multiple applications, so long as the different applications remain interoperable and portable, the FCC will be protecting a consumer's freedom of choice. It is very important for deaf, hard-of-hearing, deaf-blind, and speech disabled consumers who use ASL to have access to various products and the right to choose products based on their individual communication needs.

The Public Notice requests comment on how consumers should be involved in the development, selection, certification, and on-going enhancement of the application. The VRSCA agrees with the Consumer Groups that consumer involvement must start earlier in the notice and comment phase of the FCC's rulemaking process. In order for consumers to be fully involved in the process, information released by the FCC should be available via ASL video on the FCC's website at the same time it is released to the

public in printed format. The FCC should allow consumers the ability to submit their comments in ASL video as well as written format. The FCC should recognize the value of receiving meaningful input from consumers who use relay services every day. By making public notices available via ASL video and by accepting comments in ASL video, the Commission would be providing functionally equivalent access to information and participation in the rulemaking process.

## II. Enhanced iTRS Database Operations.

The Public Notice seeks comment on the use of an enhanced version of the TRS numbering directory that could provide features such as user registration and validation, call routing, and usage accounting. This would separate the video communication service component from the ASL relay communications assistant (“CA”) component of VRS. The VRSCA believes that the current system is meeting the needs of consumers and that separation of the two components of VRS is not necessary. If an enhanced iTRS database is implemented, it might include registration and validation functions but it should not go beyond the current self-certification. The VRSCA agrees with the Consumer Groups’ suggestions regarding the registration process. Ideally, the process should not be burdensome and should not require users who have already registered to go through a re-registration process. The FCC must also ensure that any enhanced database is secure and that personal user information remains confidential. The Consumer Groups support the adoption of rules that would protect relay consumers, similar to the customer proprietary network information (“CPNI”) rules that protect users of voice and VoIP services. The VRSCA agrees that for functional equivalency, the FCC should apply the CPNI rules or similar confidentiality protections to relay users.

With regard to the functions and services to be provided by the enhanced iTRS database, it is not clear what is meant in the Public Notice by a provider’s internal routing system and who would control it. This needs to be further clarified by the Commission. Like the Consumer Groups, the VRSCA would be concerned with a system that would cause any delay in service or increase the number of call failures.

When considering an enhanced iTRS database and the efficiencies it may bring to call routing and 911, it is clear to the VRSCA that the Commission should not compromise on the quality and availability of services. As outlined in the Public Notice, the proposal of CSDVRS contemplates the existence of multiple video communication service providers. The Consumer Groups support policies and regulations that would allow for multiple VRS providers. The VRSCA agrees that there should be multiple service providers. The FCC acknowledged and the VRSCA Survey confirmed that VRS providers compete primarily on the quality of CA service.<sup>4</sup> While the quality of

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<sup>4</sup> The results of the VRSCA Survey indicate that when making a VRS call, the quality of interpreting is the most important feature in choosing a VRS provider (with over 900 respondents, 48% of them chose quality of interpreting as the most important feature). See VRSCA Reply Comments filed March 30, 2012.

interpreting service is important, as the Consumer Groups point out, VRS providers also compete on applications, customer services, including technical support, and features, such as flashing lights indicating that a call is being received, answering machines with video mail, and split screens.<sup>5</sup> Having multiple service providers offering various choices in features and services benefit deaf, hard-of-hearing, deaf-blind, and speech disabled consumers who use ASL.

### III. Rate Proposals.

Although the VRSCA is not addressing the specific rate levels in these reply comments, like the Consumer Groups, we believe that the FCC should have a rate structure that promotes functional equivalency. True functional equivalence has yet to be achieved and until then, we cannot afford to diminish the quality of service provided by current VRS providers. It is unrealistic for VRS providers to offer VRS at bare minimum rates, without opportunities for continuous research, development, and innovation. In setting the VRS rates, the Commission should give VRS providers an incentive to innovate and provide better service more efficiently. For this reason, the VRSCA agrees with the Consumer Groups' opinion that the FCC should not impose a rate-of-return methodology for VRS alone. Also, the rate must include support for VRS providers that develop and distribute equipment which is an essential component of functional equivalence because the features of such equipment address the communication needs of deaf, hard-of-hearing, deaf-blind, and speech disabled consumers who use ASL. The VRSCA and the Consumer Groups are concerned that if the FCC cuts the VRS rates without putting minimum quality standards in place, VRS providers may decrease service quality.

The VRSCA, along with the Consumer Groups, believe that a minimum of a three-year rate period, with possible adjustments, would be fair for all parties involved. Giving VRS providers the opportunity to plan efficiently and remain competitive will only move us closer to meeting the goal of functional equivalence.

In conclusion, the VRSCA respectfully requests that the FCC consider the points emphasized in these reply comments when considering improvements to the VRS program.

Respectfully submitted,

*/s/ electronically signed*

Sharon Hayes  
Director, VRSCA

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<sup>5</sup> The results of the VRSCA Survey also indicate that features and equipment the VRS provider offers, the speed of answer, and the quality of video are important to VRS consumers. See VRSCA Reply Comments filed March 30, 2012.